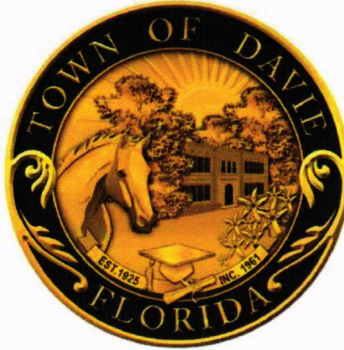


**TOWN OF DAVIE  
HUMAN RESOURCES DEPARTMENT**



**CRASH REVIEW BOARD  
SOP # 25-004**

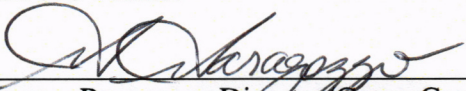
**September 16, 2020**


**SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL**

This operating procedure shall replace the Personnel Rules and Regulations and Policies enacted prior to the effective date of this Operating Procedure.

Revision	Date	Responsible Department	Description of Change
1	September 16, 2020	Human Resources	Initial Release

**APPROVALS:**

  
Human Resources Director/Grace Garaguzzo

  
Town Administrator/Richard J. Lemack

9/16/2020  
Date

9/16/2020  
Date

## **1-1. POLICY.**

The intent of this policy is for the establishment of a Crash Review Board (CRB) to provide a systematic review of crashes involving Town of Davie vehicle and recommend corrective actions that may be taken to prevent vehicle crashes in the future.

## **1-2. DEFINITIONS.**

**Crash:** Wherever a powered vehicle; whether owned, leased or rented, and whether registered or exempt from registration, comes into contact with; or is alleged to have come into contact with any person, animal, other vehicle or other inanimate object, in a manner which results in death, injury, property damage, regardless of owner and cost of damage, vandalism, or is stolen.

**Major Crash:** Any crash that exceeds \$2,500.00 in damage or involving a Town vehicle coming into contact with a person, such as pedestrian, bicyclist, scooter, etc.

**Minor Crash:** Any crash not considered a major crash.

**Non-Preventable Crash:** A crash in which the driver drove in such a way that he/she committed no errors, and so controlled his/her vehicle as to make due allowance for conditions of road, weather, and traffic, while assuring that mistakes of other drivers did not involve him/her in a crash and the driver took every reasonable precaution to prevent a crash.

**Preventable Crash:** A crash involving an owned or operated registered vehicle which results in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, and regardless of which driver(s) may or may not have received a traffic citation for a violation of traffic law(s) where-in the Town driver in question failed to do everything he/she reasonably could have done to prevent the crash and/or reduce the extent of damage.

## **1-3. RESPONSIBILITIES.**

a. The Crash Review Board is responsible for:

1. Reviewing all employee vehicular crashes regardless of whether or not the Town incurs monetary loss attributable to the accident. "Permitted Exceptions" are listed in Section 1-4. m.1 & 2.
2. Reviewing vehicular crashes to determine responsibility.
3. Reporting its findings to Department Director/Division Manager including comments, recommendations and requests as the Board deems appropriate or necessary.

- b. Department Director/Division Manager is responsible for:
  - 1. Reporting all accidents to the Risk Management Division. Within 48 hours after the vehicular crash, the operator of the vehicle will complete the Town of Davie "Incident Report" form. The Police and Fire Department have the ability to continue using their department approved Incident Form to ensure confidentiality of the employee and patients. The Supervisor and Department Director/Division Manager must also review and sign the form.
  - 2. Notifying employees within their departments of:
    - i. The proposed date of review by the Board,
    - ii. The Board's "Findings and Recommendations",
    - iii. The Director's decision regarding the "Recommendations", and
    - iv. The Town Administrator's review and final decision, if applicable.
  - 3. Reviewing findings of the CRB along with its comments, recommendations, and requests.
  - 4. Carrying out disciplinary actions or training decision deemed appropriate and necessary.
- c. Risk Management is responsible for:
  - 1. Reviewing all crashes to determine which cases should be scheduled for hearing or be granted a permitted exception.
  - 2. Assigning a CRB identifying number for all crashes.
  - 3. Scheduling crashes for hearing before the CRB.
  - 4. Notifying the Department Director/Division Manager of employees scheduled for review at the meeting.
  - 5. Maintaining minutes in summary form of all meetings.
  - 6. Distributing the CRB's "Recommendations" to Department Director/Division Manager.
  - 7. Maintaining a written record of all official actions determined by the CRB.
- d. Employees involved in a crash are responsible for:

1. Reporting all vehicular accidents to their Supervisor immediately.
2. In any vehicular crash, no matter how small, involving a Town of Davie vehicle, the operator will immediately contact the police department and request an investigation of the accident.
3. Within 48 hours after the vehicular crash, the operator of the vehicle will complete the Town of Davie "Incident Report" form.

#### **1-4. PROCEDURE.**

- a. The CRB is comprised of five members as follows:
  1. Chairperson- Risk Manager or designee by Town Administrator.
  2. Five designated voting members who are Town employees.
- b. The five designated voting members will be determined through a pre-set schedule as follows:
  1. Term 1
    - i. Planning & Zoning
    - ii. Public Works
    - iii. Parks, Recreation & Cultural Arts
    - iv. Engineering
    - v. Other (Garage/Fleet, Community Redevelopment Agency, Community Services Division, Town Clerk, Town Attorney)
  2. Term 2
    - i. Budget & Finance
    - ii. Utilities
    - iii. Information Technology
    - iv. Building
    - v. Other (Garage/Fleet, Community Redevelopment Agency, Community Services Division, Town Clerk, Town Attorney)



- 
- c. Department Director/Division Manager will designate an employee from his/her department prior to the term period commencement. The term periods will last two (2) years. Board Members from respective departments will serve a two (2) year term. No department will designate a member for consecutive terms. Employees are allowed to serve on the Board for non-consecutive terms.
  - d. The Secretary, who is appointed by the Chairperson, serves an indefinite term and will not be a voting member.
  - e. The Chairperson only votes in the event of a tie.
  - f. All voting members have equal voting power.
  - g. No member shall participate in the Board's decision-making portion of meetings involving employees from the member's own department. In such cases, the member shall be excused from participating in motions, voting, recommendations, and final comments from the Committee.
  - h. A Quorum of four (4) members is required before official business can be conducted.
  - i. The CRB meets quarterly. The meetings will be conducted during normal business hours.
  - j. Risk Management will gather and provide the CRB documents relating to each crash and will be made available at the hearing. The documents include:
    - 1. The crash report from the responding agency,
    - 2. Town of Davie "Incident Report" form,
    - 3. Property damage photos,
    - 4. Vehicle damage estimates,
    - 5. Fleet tracker data,
    - 6. Any video footage obtained,
    - 7. Written statements provided by the driver or witnesses,
    - 8. Any other relevant documents.
  - k. The CRB will review each crash using the attached guidelines (*Appendix I*) from the National Safety Council. The CRB will determine if the driver failed to exercise every reasonable precaution to prevent the crash. The Chairperson will begin the

review of each crash by identifying its assigned CRB number. Board members will review all documents provided by Risk Management. The employee is allowed to speak on his/her behalf to the CRB. The employee is allowed to present witnesses to the CRB. Employee is also allowed to bring union representation. The employee or witness may describe the facts of the incident to the CRB. Board members are allowed to ask the employees or witnesses follow up questions. During the hearing Board members are allowed to discuss the facts of the case with each other. Board members with the entire weight of the evidence must determine if a crash is deemed preventable or non-preventable.

- l. All meetings will be recorded. All voting will be done by voice and open ballot. Risk Management will provide written notification to the employee's Department Director/Division Manager regarding the Board's decision.
- m. Risk Management will determine if a crash will be granted a "Permitted Exception" based on the following guidelines:
  1. Permitted Exception #1: any crash involving employees in the Police or Fire Department as these entities have established an internal crash review board.
  2. Permitted Exception #2: any crash where the employee is clearly not at fault as evidenced by investigative material compiled on crash such as: crash report, incident report, and any other related information provided to Risk Management.
- n. Disciplinary and training guidelines
  1. Found to be at fault are categorized as major or minor crash. All employees found to be at fault for any crash shall result in loss of Quality Service Day in the next fiscal year. Employees found to be at fault for any crash shall be subject to progressive discipline. The CRB will recommend training based on the violation. The Department Director/Division Manager or designee will determine the appropriate discipline to include verbal counseling up to and including termination based on the employee's driving history and/or previous discipline history for similar violations. Consideration for the appropriate discipline shall include the type of violation, number of offenses and other similar discipline within the employee's personnel file.
  2. An employee shall be held accountable for policy violations such as failure to report a crash to their direct supervisor, failure to contact the police immediately following a crash, fleeing the scene of an accident, being under the influence of alcohol or a controlled substance at the time of the crash, or crash involving willful, malicious, or intentional action from the employee. The Department Director/Division Manager may levy additional discipline for violations, in conjunction with an at fault crash, up to and including termination. If an employee is found to not be at fault but still violated policy, the Department Director/Division Manager may levy appropriate discipline for the violation.

## **Guide for Determining Preventability of Motor Vehicle Accidents (Based on National Safety Council Rules)**

### **PREVENTABLE ACCIDENTS**

A "Preventable Accident" is one in which the driver failed to exercise every reasonable precaution to prevent the accident. This is irrespective of whether or not there is property damage or personal injury, the extent of the loss of injury, to whom it occurred and the location of the accident.

In order for a person to avoid being involved in a preventable accident, each driver should understand and practice the concept of defensive driving. "Defensive driving" is driving so as to prevent accidents in spite of the incorrect actions of others and adverse driving conditions; such as light, weather, road, traffic, vehicle condition and your physical and mental state.

In interpreting this, the National Safety Council lists the following preventable accidents:

#### **1. INTERSECTIONS**

It is the responsibility of all drivers to approach, enter and cross intersections prepared to avoid accidents that might occur through the actions of other drivers. Complex traffic movement, blind intersections, or failure of the "other driver" to conform to law or traffic control devices will not automatically discharge an accident as not "preventable." Intersection accidents are preventable even though the driver has not violated traffic regulations. Failures to take precautionary measures prior to entering the intersection are factors to be studied in making a decision. When a driver crosses an intersection and the obvious actions of the "other driver" indicates possible involvement either by reason of excessive speed, crossing the lane in turning, or coming from behind a blind spot, the decision based on such entrapment should be preventable.

#### **2. VEHICLE AHEAD**

Regardless of the abrupt or unexpected stop of the vehicle ahead, a driver can prevent rear-end collisions by maintaining a safe following distance at all times. This includes being prepared for possible on the highway, either in plain view or hidden by the crest of a hill or the curve of a roadway. Overdriving headlights at night is a common cause of rear-end collisions. Night speed should not be greater than that which will permit the vehicle to come to a stop within the forward distance illuminated by the vehicle's headlights.

#### **3. VEHICLE BEHIND**

Investigation often discloses that drivers risk being struck from behind by failing to maintain a margin of safety in their own following distance. Collisions involving the rear of the vehicle, which are preceded by a roll-back, an abrupt stop at a grade crossing, when a traffic signal changes, or when the driver fails to signal a turn at an intersection, should be charged as preventable. Accidents resulting from the failure to signal intentions or to slow down gradually should be considered preventable.

#### 4. PASSING

Failure to pass safely indicates faulty judgment and the possible failure to consider one or more of the important factors a driver should observe before attempting a maneuver. Unusual actions of the driver being passed or of oncoming traffic might appear to exonerate a driver involved in a passing accident; however, the entire passing maneuver is voluntary and the driver's responsibility.

#### 5. BEING PASSED

Sideswipes and cut-offs involving a driver being passed is preventable when the driver fails to yield to the passing vehicle by slowing down or moving to the right where possible.

#### 6. ONCOMING

It is extremely important to check the action of a driver involved in a head-on or sideswipe accident with a vehicle approaching from the opposite direction. Exact location of vehicles prior to and at the point, should be carefully verified. Even though an opposing vehicle enters a driver's traffic lane, it may be possible for the driver to avoid the collision by slowing down, stopping or moving to the right. Failing to signal the opposing driver by flashing the headlights or sounding the horn should also be taken into account.

#### 7. FIXED OBJECTS

Collisions with fixed objects are preventable. They usually involve failure to check or properly judge clearances. New routes, strange delivery points, resurfaced pavements under viaducts, inclined entrance to docks, marquees projecting over a traveled section of road, and similar situations are not, in themselves, valid reasons for excusing a driver from being involved in an accident. A driver should be constantly on the lookout for such conditions and make the necessary allowances.

#### 8. PEDESTRIANS

Since a driver of a motor vehicle has the responsibility to yield the right of way to pedestrians, primarily due to their vulnerability to injury when involved in an accident, most pedestrian accidents are preventable. An unusual route of a pedestrian at mid-block or from between parked vehicles does not relieve a driver from taking precautions to prevent such accidents. Whether speed limits are posted or the area is placarded with warning signs, speed may be too fast for conditions. School zones, shopping areas, residential streets, and other areas with special pedestrian traffic should be traveled at reduced speeds equal to the particular situation. Bicycles, motor scooters, and similar equipment are often ridden by young and inexperienced operators. The driver who fails to reduce speed and increase side space cushions when approaching this type of equipment has failed to take the necessary precautions to prevent an accident. When unusual conditions call for voluntary reduction of speed, merely keeping within posted speed limits is not taking the proper precaution.



## 9. PRIVATE PROPERTY

When a driver is expected to make deliveries at unusual locations, construction site, etc., or on driveways not built to support the weight of the vehicle being driven, it is the driver's responsibility to discuss the operation with the proper authorities and to obtain permission prior to entering the area.

## 10. PASSENGER ACCIDENTS

Passenger accidents in any type of vehicle are preventable when they are caused by faulty operation of the vehicle. Even though the incident did not involve a collision of the vehicle, it must be considered preventable when a driver stops, turns, or accelerates abruptly. Emergency action by a driver to avoid a collision that results in passenger injury should be checked to determine if proper driving prior to the emergency would have eliminated the need for the evasive maneuver.

## 11. NON-COLLISION

Many accidents, such as overturning, jack-knifing, or running off the road may result from emergency action by the driver to avoid being involved in a collision. Examination of events prior to the incident may reveal speed too fast for conditions, or other factors. The driver's actions prior to involvement should be examined for possible errors or lack of defensive driving practice.

## 12. MISCELLANEOUS

Projecting loads, loose objects falling from the vehicle, loose tarpaulins or chains, doors swinging open, etc., resulting in damage to the vehicle, cargo, or other property or injury to persons, are preventable when the driver's action or failure to secure them are evidenced. Cargo damage, resulting from unsafe vehicle operation, is preventable by drivers.

## 13. PARKING

Unconventional parking locations, including double parking, failure to put out warning devices, etc., generally constitute evidence for judging an accident preventable. Roll-away accidents from a parked position normally should be classified as preventable. This includes unauthorized entry into an unlocked, unattended vehicle, or failure to properly block wheels or to turn wheel toward the curb to prevent vehicle movement.

## 14. BACKING

Practically all backing accidents are preventable. A driver is not relieved of responsibility to back safely when a guide is involved in the maneuver. A guide cannot control the movement of the vehicle; therefore, a driver must verify all clearances.

## CONCLUSION

It is impossible to describe in detail the many ways a driver might prevent an accident without being primarily or legally responsible. The paragraphs of this guide merely emphasize the most frequent occurrences based on past decisions of the Accident Review Committee.

The following definition of Defensive Driving should be applied to all accidents involving your drivers.

DEFENSIVE DRIVERS make no driving errors themselves and allow for the lack of skill or improper driving practices of other drivers. DEFENSIVE DRIVERS adjust their own driving to compensate for unusual weather, road, and traffic conditions and recognize the need for caution in situations conducive to accident involvement. By being alert to accident producing situations, a DEFENSIVE DRIVER recognizes the need for preventive action in advance and takes the necessary precautions to avoid being involved in an accident. A DEFENSIVE DRIVER knows when it is necessary to slow down, stop, or yield the right-of-way to avoid involvement.